



DEPARTMENT OF THE TREASURY  
BUREAU OF THE FISCAL SERVICE  
WASHINGTON, DC 20227

August 27, 2019



Austin R. Evers  
American Oversight  
1030 15<sup>th</sup> Street, NW  
Suite B255  
Washington, DC 20005

Re: **FOIA # 2019-03-205**

Dear Mr. Evers:

This is in response to your email, dated May 6, 2019, which was in response to our correspondence dated April 23, 2019, informing you that the Bureau of the Fiscal Service (Fiscal Service) is unable to search for checks written to the U.S. Treasury without additional information. We also informed you that the information you seek would be protected by FOIA Exemption 6, regarding "personnel and medical files and similar files" when the disclosure of such information would "constitute a clearly unwarranted invasion of privacy."

In your email, you assert that Mr. Long's privacy interest in such information is outweighed by the public interest of whether he reimbursed the Department of Homeland Security (DHS) for the improper use of agency resources, as pointed out in the report by DHS's Office of the Inspector General. However, the purpose of the FOIA is to "shed light on an agency's performance of its statutory duties," not to provide information regarding individuals' activities. *See DOJ v. Reporters Committee for Freedom of the Press*, 489 U.S. 749, 773 (1989). Information that does not reveal the operations or activities of the federal government "falls outside the ambit of the public interest that the FOIA was enacted to serve." *Id.* at 775.

While there may be a public interest in whether DHS has been reimbursed, there is no public interest supported by the FOIA in disclosing whether Mr. Long specifically made such reimbursement. Who may have made such reimbursement does not shed light on the operations of the government agency. Furthermore, Mr. Long is no longer a federal officer and, as a private citizen, his financial payments to the government are protected by FOIA Exemption 6.

Moreover, regardless of any privacy interests, we do not have the capability to search for potential payments made on Mr. Long's behalf without additional information regarding such payments, such as their date(s) and exact amount(s). Please note that we are not suggesting we have identified information that such payments were, in fact, made by someone other than Mr. Long; instead, we are simply highlighting the need for additional information in order for Fiscal Service to conduct a proper search for a payment.

Finally, in your email you stated that your “request is not solely for checks, but more broadly for records related to Mr. Long’s commitment to reimburse the federal government, records of actual payment made, and bills or invoices.” In response to this portion of your request, Fiscal Service has searched its email and correspondence files and found no responsive documents.

Please be advised, also, that Fiscal Service’s programs and services would not include issuing a bill or invoice to Mr. Long.

We know of no specific records held by DHS that would be responsive to your request. However, if any such responsive records exist, it seems more likely that they would be maintained by DHS rather than by Treasury. Should you wish to submit a FOIA request to DHS, you may do so by contacting them at:

Department of Homeland Security  
Federal Emergency Management Agency  
Attn: Eric Neuschaefer, FOIA Officer  
500 C Street, SW  
Room 840  
Washington, DC 20472  
[Fema-foia@fema.dhs.gov](mailto:Fema-foia@fema.dhs.gov)

Sincerely,

*Cynthia Sydnor-Jones*

Cynthia Sydnor-Jones  
Co-Disclosure Officer